THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 19282 of 2005

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Dated: 05.09.2005

Between:

Smt.Ameena Begum, W/o.Late Ghulam Rasool Khan,
R/o.H.No.10-4-39, Flat No.405, Falcon Enclave,

Humayun Nagar, Hyderabad.

..... PETITIONER

AND

Municipal Corporation of Hyderabad, Births & Deaths Division,

Rep by Commissioner, Tank Bund,
Hyderabad, and another.

.....RESPONDENTS

ORDER:

The petitioner seeks a declaration that the action of the Municipal Corporation of Hyderabad (Births & Deaths Division) in not furnishing Death Certificate of the petitioner's husband duly correcting the name of her husband as Ghulam Rasool Khan in the place of Hafeez Khan as per the representation submitted by her on 11.08.2005, is illegal and arbitrary.

It is the case of the petitioner that her husband died of cardiac disease on 28.06.2005 at Genesis Hospital, Basheerbagh. According to her the name of her husband, Ghulam Rasool Khan, was wrongly entered as Hafeez Khan. After the death of petitioner's husband, the second respondent sent a certificate to the first respondent, based on which, necessary entries were made in the register of Births and Deaths. The petitioner obtained the Death Certificate and on coming to know that the name of her husband was wrongly mentioned, made a representation on 11.08.2005 for necessary corrections, in vain. Hence, the present writ petition.

Chapter XV of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act'), containing Sections 573 to 584, deal with Registration of Births and Deaths. As per Section 581 of the Act, the duty is cast on a Medical Practitioner to forward to the Commissioner a certificate of the cause of death who is under treatment of such Medical Practitioner. The Commissioner is required to enter the particulars of death in the register together with the name of the certifying Medical Practitioner. Whenever a person seeks a correction of errors in the register of births or deaths, the procedure is provided under Section 583 of the Act, which reads as under.

> **583. Correction of errors in registers of births or deaths**:-
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> (1) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorized in that behalf by the Commissioner.
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> (2) An error of fact or substance in any such register may be corrected by any person authorized as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting-forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or in death of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.
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> (3) Except as aforesaid no alteration shall be made in any such register.

Sub Section (3) of Section 583 of the Act provides that no alteration can be made in the Birth or Death Certificate, except in accordance with the procedure contained in

Sub Sections (1) and (2) of Section 583 of the Act. The petitioner has not followed this procedure and straightaway filed the writ petition in this Court. Further, unless and until the petitioner obtains necessary corrections in the Certificate forwarded by the Doctor of the second respondent Hospital, the name of the person cannot be altered in the Death Certificate. The petitioner may approach respondent Nos.1 and 2 for necessary corrections as per the procedure.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

05.09.2005

vs